

CHAPTER 36**PUBLIC HOSPITAL AND HEALTH CARE FACILITY OPERATIONS***H.F. 224*

AN ACT relating to qualifications and terms of commissioners and the management and operation of certain public hospitals.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 37.9, unnumbered paragraphs 1 and 5, Code 1999, are amended to read as follows:

When the proposition to erect any such building or monument has been carried by a majority vote, the board of supervisors or the city council, as the case may be, shall appoint a commission consisting of five or seven members, in the manner and with the qualifications provided in this chapter, which shall have charge and supervision of the erection of the building or monument, and when erected, the management and control of the building or monument.

Commencing with the commissioners appointed to take office after January 1, 1952, ~~one commissioner shall be appointed for a term of one year, two commissioners shall be appointed for a term of two years, and two commissioners shall be appointed for a term of three years, or in each instance until a successor is appointed and qualified~~ the terms of office of the commissioners shall be staggered so that all commissioners' terms will not end in the same year. Thereafter, the successors in each instance shall hold office for a term of three years or until a successor is appointed and qualified.

Sec. 2. Section 37.10, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Each commissioner, except for a memorial hospital*, shall be an honorably discharged soldier, sailor, marine, airman, or coast guard member and be a resident of the county in which the memorial hall or monument is located. Each commissioner for a memorial hospital shall be a resident of the county in which the memorial hospital is located.

Sec. 3. Section 347.9, Code 1999, is amended to read as follows:

347.9 TRUSTEES — APPOINTMENT — TERMS OF OFFICE.

When it has been determined by the voters of a county to establish a county public hospital, the board shall appoint seven trustees chosen from among the resident citizens of the county with reference to their fitness for office, and not more than four of the trustees shall be residents of the city at which the hospital is located. The trustees shall hold office until the following general election, at which time their successors shall be elected, two for a term of two years, two for four years, and three for six years, and they shall determine by lot their respective terms, and thereafter their successors shall be elected for regular terms of six years each. A person or spouse of a person with medical or special staff privileges in the county public hospital or who receives direct or indirect compensation in an amount greater than one thousand five hundred dollars in a calendar year from the county public hospital or direct or indirect compensation in an amount greater than one thousand five hundred dollars in a calendar year from a person contracting for services with the hospital shall not be eligible to serve as a trustee for that county public hospital.

Sec. 4. Section 347.12, unnumbered paragraph 3, Code 1999, is amended to read as follows:

The secretary of the hospital board of trustees shall file monthly on or before the ~~tenth~~ thirtieth day of each month with such board a complete statement of all receipts and disbursements from all funds during the preceding month, and also the balance remaining on hand in such funds at the close of the period covered by said statement.

* See chapter 208, §47 herein

Sec. 5. Section 347.13, subsection 7, Code 1999, is amended by striking the subsection.

Sec. 6. Section 347.13, subsection 11, Code 1999, is amended by striking the subsection and inserting in lieu thereof the following:

11. Make available to the board of supervisors a statement of all receipts and expenditures from the preceding fiscal year.

Sec. 7. Section 347.14, subsection 11, Code 1999, is amended to read as follows:

11. Do all things necessary for the management, control and government of said hospital and exercise all the rights and duties pertaining to hospital trustees generally, including but not limited to authorizing delivery of any health care service, assisted or independent living service, or other ancillary service, unless such rights of hospital trustees generally are specifically denied by this chapter, or unless such duties are expressly charged by this chapter.

Sec. 8. Section 347.14, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 16. Borrow moneys to be secured solely by hospital revenues for the purposes of improvement, maintenance, or replacement of the hospital or for hospital equipment.

Sec. 9. Section 347.30, Code 1999, is amended to read as follows:

347.30 NOTICE AND HEARING.

A county or city hospital shall serve notice and hold a public hearing before selling or leasing any real property pursuant to sections 347.28 and 347.29. The notice shall definitely describe the property, indicate the date and location of the hearing, and shall be published by at least one insertion each week for two consecutive weeks in a newspaper having general circulation in the county where the property is located. The hearing shall not take place prior to two weeks after the second publication.

A county or city hospital shall serve notice before selling or leasing any personal property pursuant to sections 347.28 and 347.29. The notice shall definitely describe the property and shall be published by at least one insertion each week for two consecutive weeks in a newspaper having general circulation in the county where the property is located.

Sec. 10. Section 347A.1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

A county having a population less than one hundred fifty thousand may issue revenue bonds for a county hospital as provided in section 331.461, subsection 2, paragraph "e". The administration and management of the hospital shall be vested in a board of hospital trustees consisting of five or seven members appointed. Appointments for a five-member board shall be made by the board of supervisors from among the resident citizens of the county with reference to their fitness for office, and not more than two of the trustees shall be residents of the same township. Expansion from a five-member to a seven-member board of trustees shall occur only on approval of a majority of the five-member board of trustees. The five-member board of trustees shall appoint members to the additional vacancies; one appointee shall serve until the succeeding general election and the other appointee shall serve until the second succeeding general election at which times successors shall be elected.

Sec. 11. Section 392.6, unnumbered paragraph 2, Code 1999, is amended to read as follows:

Cities maintaining an institution as provided for in this section which have a board of trustees consisting of three members may by ordinance increase the number of members to five or seven and provide for the appointment of one of the additional member in the expansion to a five-member board or two additional members in the expansion to a seven-member board until the next succeeding general or city election, and for the appointment of the one or two other additional member members until the second succeeding general or city election. Thereafter, the terms of office of such additional members shall be four years. However,

if a city has adopted an ordinance which increases the number of members of the board of trustees to five or seven members and the terms of office of four of the five members or six of the seven members end in the same year, the date of expiration of the term of one of the four members or two of the six members, to be determined by lot, shall be extended by an additional two years.

Approved April 16, 1999

CHAPTER 37

FINGERPRINTING AND CRIMINAL DISPOSITION REPORT PROCEDURES

H.F. 403

AN ACT relating to the fingerprinting of persons or juveniles who have been arrested or taken into custody and changing the procedures for the collection of a criminal disposition report.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.148, subsection 2, Code 1999, is amended to read as follows:

2. Fingerprints ~~and photographs~~ of a child who has been taken into custody ~~may~~ shall be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor. In addition, photographs of a child who has been taken into custody may be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor. The criminal or juvenile justice agency shall forward the fingerprints to the department of public safety for inclusion in the automated fingerprint identification system and may also retain a copy of the fingerprint card for comparison with latent fingerprints and the identification of repeat offenders.

Sec. 2. Section 690.2, Code 1999, is amended to read as follows:

690.2 FINGER AND PALM PRINTS — PHOTOGRAPHS — DUTY OF SHERIFF AND CHIEF OF POLICE.

The sheriff of every county, and the chief of police of each city regardless of the form of government thereof, shall take the fingerprints of all unidentified dead bodies in their respective jurisdictions and all persons who are taken into custody for the commission of a serious misdemeanor, ~~other than a serious misdemeanor under chapter 321 or 321A~~, aggravated misdemeanor, or felony and shall forward such fingerprint records on such forms and in such manner as may be prescribed by the commissioner of public safety, within two working days after the fingerprint records are taken, to the department of public safety and, if appropriate, to the federal bureau of investigation. Fingerprints may be taken of a person who has been arrested for a ~~public offense~~ simple misdemeanor subject to an enhanced penalty for conviction of a second or subsequent offense. In addition to the fingerprints as herein provided, any such officer may also take the photograph and palm prints of any such person and forward them to the department of public safety. If a defendant is convicted by a court of this state of an offense which is a simple misdemeanor subject to an enhanced penalty for conviction of a second or subsequent offense, a serious misdemeanor, ~~other than a serious misdemeanor under chapter 321 or 321A~~, an aggravated misdemeanor, or a felony, the court shall determine whether such defendant has previously been fingerprinted in